

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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*On*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/396,531 09/15/99 ADDINGTON

R 99-1001

024253  
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QM12/0821

EXAMINER

PIERCE, W

ART UNIT

PAPER NUMBER

3711

*5*

DATE MAILED:

08/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/396,531</b>	Applicant(s) <b>Addington et al</b>
	Examiner <b>William M. Pierce</b>	Group Art Unit <b>3711</b>

Responsive to communication(s) filed on pre amdt 9/15/99

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-15 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

  
**WILLIAM M. PIERCE**  
**PRIMARY EXAMINER**

**-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --**

Art Unit:

1. Applicant has presented original claims numbered 78-92. While this claim numbering is a mystery, the claims have been renumbered claims 1-15 respectively.

2. Claims 2, 5, 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

In claims 2 and 5, "the end of said bowler's finger" lacks a proper antecedent. In claim 13, the means "for placing" fails to recite a clear statement of function. Claim 15 is narrative and function and fails to provide any positive limitations that further limits the structure of the claimed apparatus.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fowble.

Note marked examiner's marked copy of Fowble included with this action. As to claims 1, 3 and 15, Fowble shows a finger pad A, having a pad shield means with a first curved surface 1 and a second surface 2 including a contact area at 3. The recitations in paragraph c. are functional and fail to distinguish over Fowble. Further shown by him is a "means for placing" by slipping the finger into the shield and the shield is made of rigid material. As to claim 2, he further shows two side walls terminating in an end at c. The shield is open at c as called by claim

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4. At the reference marked 4, he shows a closed end called for by claim 5. As to claims 9 and 11, strap 5 is capable of functioning as a "limit means" and is considered a "raised surface" as called for in claim 10. Reference 6 is considered a "support means" as called for by claim 12-14.

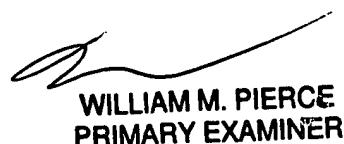
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowble in view of Pratt.

As to claim 6, Pratt shows combining finger inserts with gloves in order to position them on the hand. To have included a glove in combination with the insert shown by Fowble would have been obvious in order to keep hold the insert and to further protect the rest of the hand.

7. Any inquiry concerning this communication should be directed to William Pierce at E-mail address [bill.pierce@USPTO.gov](mailto:bill.pierce@USPTO.gov) or at telephone number (703) 308-3551.



WILLIAM M. PIERCE  
PRIMARY EXAMINER